

1 Gunter Mihaescu [SBN #242708]  
2 5032 Woodminster Lane  
3 Oakland, CA 94602  
4 Tel: 510-969-7550  
5 Fax: 510-553-1024  
6 Attorney for Plaintiff  
7 ESTER NINO

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ESTER NINO,  
Plaintiff,  
vs.  
UNITED STATES OF AMERICA, HASSAN  
SIDDQUI AND DOES 1-100, inclusive  
Defendants.

Case No.: \_\_\_\_\_  
**COMPLAINT FOR DAMAGES, PERSONAL  
INJURY**  
**NEGLIGENCE AS TO DEFENDANT  
HASSAN SIDDQUI**  
**NEGLIGENCE UNDER VICARIOUS  
LIABILITY, RESPONDEAT SUPERIOR AS  
TO DEFENDANT UNITED STATES OF  
AMERICA**

**COMPLAINT**

Plaintiff, Ester Nino, by and through her attorney, Gunter Mihaescu, alleges the following against Defendants, United States of America and Hassan Siddiqui, on information and belief:

**INTRODUCTION**

1. This is an action against the Defendant United States of America under the Federal Tort Claims Act, (28 U.S.C. Section 2671, *et seq.*) and 28 U.S.C. Section 1346(b)(1), for negligence in connection with an incident which occurred on July 12, 2020 involving a motor vehicle collision in which defendant Hassan Siddiqui, acting within the course and scope of his employment with the United States Department of Agriculture, struck a motor vehicle driven by plaintiff Nino Ester, causing injuries and damages to her.

2. The claims herein are brought against the Defendant pursuant to the Federal Tort

1 Claims Act (28 U.S.C. Section 2671, *et seq.*) and 28 U.S.C. Section 1346(b)(1), for money  
2 damages as compensation for personal injuries caused by defendants' negligence.

3 3. Plaintiff Ester has fully complied with the provisions of 28 U.S.C. Section 2675 of  
4 the Federal Tort Claims Act. (Please see Standard Form 95 attached as Exhibit 1.)

5 4. This suit has been timely filed, in that plaintiff Ester timely served notice of his  
6 claim on United States Department of Justice less than two years after the incident forming the  
7 basis of the suit.

8 5. Plaintiff Ester is now filing this complaint pursuant to 28 U.S.C. Section 2401(b)  
9 after non action on his claim by the United States Department of Agriculture claims office and  
10 office of the General Counsel. (Please see US Department of Agriculture correspondence  
11 indicating non-action on the claim, attached as Exhibit 2.)

12 **PARTIES, JURISDICTION AND VENUE**

13 6. Plaintiff Ester is, and at all times relevant hereto was, a resident of Solano County,  
14 California.

15 7. Defendant United States of America, through its agency, the United States  
16 Department of Agriculture, employed defendant Hassan Siddiqui, who is believed to reside in  
17 Solano County as well. (Please see attached police report regarding the motor vehicle collision,  
18 attached as Exhibit 3).

19 8. At all times relevant to this Complaint, the defendant Siddiqui held himself out to  
20 plaintiff as an employee, agent or staff of the United States Department of Agriculture.

21 9. At all times relevant to this Complaint, defendant Siddiqui was employed by and/or  
22 acting on behalf of defendant United States of America. Furthermore, defendant United States of  
23 America is responsible for the negligent acts of their employees and agents under the doctrine of  
24 respondeat superior.

25 10. Jurisdiction is proper under 28 U.S.C. Section 1346(b)(1).

26 11. Venue is proper under 28 U.S.C. Section 1402(a) as plaintiff resides in the Eastern  
27 District of California, as does defendant Siddiqui.

**STATUTORY BASIS OF LIABILITY AGAINST**  
**THE UNITED STATES OF AMERICA**

3 12. This case is brought against the United States of America pursuant to 28 U.S.C.  
4 Section 2671, *et seq.*, commonly referred to as the “Federal Tort Claims Act.” Liability of the  
5 United States is predicated specifically on 28 U.S.C. Sections 1346(b)(1) and 2674 because the  
6 personal injuries and resulting damages that form the basis of this complaint were proximately  
7 caused by the negligence, wrongful acts and/or omissions of employees of the United States of  
8 America through its agency, the United States Department of Agriculture. These employees were  
9 acting within the course and scope of their office or employment, under circumstances where the  
10 United States of America, if a private person, would be liable to the plaintiff in the same manner  
11 and to the same extent as a private individual under the laws of the State of California.

12       13. Pursuant to 28 U.S.C. Section 2675, the claim was presented to the appropriate  
13 agency of defendant, the United States of America, namely the United States Department of  
14 Agriculture on August 20, 2021, for the claims of plaintiff Ester Nino. Said defendant failed to  
15 respond and thus, on February 20, 2022, the claims were deemed denied by operation of law.

## **FACTUAL ALLEGATIONS**

17       14. On July 12, 2020, plaintiff Ester Nino was driving westbound on Benicia Road. After  
18 passing Ryder Street, defendant Hassan Siddiqui abruptly entered traffic in front of Ms. Nino,  
19 without signaling causing Ms. Nino to swerve to the left, sideswiping Mr. Siddiqui's vehicle and  
20 colliding head on into a parked vehicle.

21        15.      Claimant Ester Nino was injured and incurred damages as a result of this incident and  
22 could not avoid collision.

23 16. Ms. Nino has endured significant mental and emotional distress and trauma as a  
24 result of her injuries.

## CAUSES OF ACTION

## COUNT I-NEGLIGENCE

27       16. Plaintiff Nino realleges and reincorporates each and every allegation above as if  
28 fully set forth herein.

17. The defendant Mr. Siddiqui owed a duty of care to Ms. Nino and every other driver on the road at the time of the incident.

18. The defendant Mr. Siddiqui breached its duty of care to plaintiff Nino when he made an unsafe turn into her path of travel.

19. As a direct and proximate result of defendant Siddiqui's negligence, plaintiff Nino sustained serious personal injuries in and about her body, she has incurred medical expenses and other damages, and will continue to incur medical expenses and other damages in the future; she was forced to endure pain, suffering and mental anguish, and will continue to endure pain, suffering and mental anguish in the future; she has suffered a loss of the enjoyment of life, and will continue to suffer a loss of the enjoyment of life in the future.

20. The acts and/or omission set forth above would constitute a claim under the law of the state of California.

21. The defendant United States of America is liable pursuant to 28 U.S.C. 1346(b)(1).

**COUNT II-VICARIOUS LIABILITY, RESPONDEAT SUPERIOR,  
OSTENSIBLE AGENCY AND/OR AGENCY**

22. Plaintiff Nino realleges and reincorporates each and every allegation above as if fully set forth herein.

23. At all times relevant to this case, defendant Hassan Siddiqui was employed by and/or acting on behalf of the defendant United States of America.

24. At all relevant times to this Complaint, defendant Hassan Siddiqui acted within his respective capacity and scope of employment for the defendant United States of America.

25. Defendant Siddiqui negligently and/or recklessly directly and proximately caused personal injury to Ms. Nino, including both acts of omission and acts of commission.

26. As a direct and proximate result of defendant's negligence, Ms. Nino sustained serious personal injuries in and about her body; she has incurred medical expenses, and other damages, and will continue to incur medical expenses, and other damages in the future; she was forced to endure pain, suffering and mental anguish, and will continue to endure pain, suffering

1 and mental anguish in the future; she has suffered a loss of the enjoyment of life, and will continue  
2 to suffer a loss of the enjoyment of life in the future.

3       27. At all times relevant to this Complaint, the defendant United States of America had  
4 a duty to hire competent employees, agents, administrators, operators who could safely operate a  
5 motor vehicle and avoid collisions like the one involving plaintiff Nino.

6       28.     The defendant United States of America breached its duty by negligently hiring  
7 incompetent, inexperienced and/or unqualified operators, administrators, employees, agents and  
8 staff.

9       29.     The acts and/or omissions set forth above would constitute a claim under the law of  
10      the State of California.

11 30. The defendant United States of America is liable pursuant to 28 U.S.C. 1346(b)(1).

## **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiff Ester Nino does hereby pray that judgment be entered in his favor and  
14 against the defendants as follows:

15        1) For general damages, according to proof;

16        2) For special damages according to proof;

17        3) For personal property damages according to proof;

18        4) For pre-judgment and post-judgment interest as allowed by law;

19        5) For costs of suit incurred herein; and

20        6) For such other and future relief as this court may deem just and proper.

Respectfully submitted,

23 | Dated: June 20, 2022

By:

Gunter Mihaescu  
Gunter Mihaescu  
Attorney for plaintiff ESTER NINO

# EXHIBIT 1

**CLAIM FOR DAMAGE  
INJURY, OR DEATH**

Case 2:22-cv-01074-KJM-JDP Document 1 Filed 06/22/22 Page 7 of 34

**INSTRUCTIONS:** Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.

**FORM APPROVED**  
OMB NO. 1105-0008

1. Submit to Appropriate Federal Agency:

US Department of Agriculture

2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code.

Claimant: Ester Nino, 405 Benicia Rd, Vallejo, CA 94590

Representative: Gunter Mihaescu, Attorney at Law, 5032 Woodminster Lane, Oakland, CA 94602

3. TYPE OF EMPLOYMENT

 MILITARY  CIVILIAN

4. DATE OF BIRTH

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5. MARITAL STATUS

Single

6. DATE AND DAY OF ACCIDENT

07/12/2020

7. TIME (A.M. OR P.M.)

11:30 AM

8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary).

Siddiqui Hassan was driving a USDA fleet vehicle when he made a turn when it was unsafe to do so, causing the motor vehicle collision with our client Ms. Ester Nino, causing bodily injury and property damage.

9.

**PROPERTY DAMAGE**

NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).

None

BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side).

The 2016 Mitsubishi Outlander of claimant Ester Nino sustained damage to the front end. Pictures and estimates provided.

10.

**PERSONAL INJURY/WRONGFUL DEATH**

STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.

Neck, back, and shoulder pain. Headaches.

11.

**WITNESSES**

NAME

ADDRESS (Number, Street, City, State, and Zip Code)

Hassan Siddiqui

164 Robles Way, Vallejo, CA 94590

Claimant Ester Nino

May be contacted through counsel.

12. (See instructions on reverse).

**AMOUNT OF CLAIM (in dollars)**

12a. PROPERTY DAMAGE

12b. PERSONAL INJURY

12c. WRONGFUL DEATH

12d. TOTAL (Failure to specify may cause forfeiture of your rights).

6,701.23

58,030.57

64,731.80

I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.

13a. SIGNATURE OF CLAIMANT (See instructions on reverse side).

13b. PHONE NUMBER OF PERSON SIGNING FORM

510-969-7550

14. DATE OF SIGNATURE

08/02/2021

**CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM**
**CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS**

The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).

Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of the vehicle or property.

15. Do you carry accident insurance?  Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number.  No

Amica, P.O. Box 9690, Providence, RI 02940-9690, Policy Number: 91020424LY

16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full coverage or deductible? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	17. If deductible, state amount.
Claimant's auto insurance carrier, Amica, paid out \$5,000.00 in medical payments benefits. 1,000.00	

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts). Amica has a claim for reimbursement of the \$5,000.00 it has paid out in medical benefits on claimant's behalf.

19. Do you carry public liability and property damage insurance? <input type="checkbox"/> Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code). <input checked="" type="checkbox"/> No
--

#### INSTRUCTIONS

**Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.**

**Complete all items - Insert the word NONE where applicable.**

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

**Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.**

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filed by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item number 12 of this form.

DAMAGES IN A **SUM CERTAIN** FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN **TWO YEARS** AFTER THE CLAIM ACCRUES.

The amount claimed should be substantiated by competent evidence as follows:

(a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of the injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

(b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

(d) **Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.**

#### PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

- A. **Authority:** The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.
- B. **Principal Purpose:** The information requested is to be used in evaluating claims.
- C. **Routine Use:** See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.
- D. **Effect of Failure to Respond:** Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid."

#### PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Torts Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, DC 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

**FEDERAL TORT CLAIM OF ESTER NINO AND DEMAND FOR  
PRESERVATION OF RECORDS**

*Pursuant to 28 U.S.C. §§1346(b), 2671-2680.*

*Submitted to the Department of Agriculture, Ms. Sonya Washington.  
Sonya.Washington@usda.gov.*

C/o: **Counsel for Claimant Ester Nino**  
Gunter Mihaescu  
5032 Woodminster Lane  
Oakland, CA 94602

**Date, Place and Circumstances of the Occurrence:**

On or about July 12, 2020, Ester Nino was driving westbound on Benicia Road. After passing Ryder Street, Hassan Siddiqui abruptly entered traffic without signaling causing Ms. Nino to sideswipe Mr. Siddiqui's vehicle and colliding into a parked vehicle.

Claimant Ester Nino was injured and incurred damages when, while driving her car and could not avoid collision.

**Negligence**

Employees and agents of the Agriculture of Agriculture, Food Safety and Inspection Service owed a duty to Claimant Ester Nino to drive carefully and signal before entering traffic. The carelessness of Dr. Siddiqui led to injuries and damages to Claimant Ester Nino.

The acts and omissions of the employees and agents of the Department of the Agriculture, Food Safety and Inspection Service identified herein constitute negligence.

**Dangerous Condition of Public Property**

Claimant Ester Nino was harmed as a result of a careless driver employed by the Department of Agriculture, Food Safety and Inspection Service. The Department of Agriculture, Food Safety and Inspection Service owned, operated and/or maintained the vehicle when this incident took place. The driver did not yield when entering traffic, causing the collision between the

vehicles. This dangerous action created a reasonably foreseeable risk of the kind of incident that occurred. As a result of these acts and omissions Claimant Nino Ester was harmed and the carelessness of the driver was a substantial factor in causing Claimant Ester Nino's harm.

**Claimant's Injuries and Amount of Damage Claimed:**

Claimant sustained serious injuries, including but not limited to herniated discs, neck pain, anxiety, back pain, and shoulder pain. Claimant claims \$6,701.23 in property damage and \$8,030.57 in personal injury special damages (medical bills) and \$50,000.00 in personal injury general damages for a total amount of \$64,731.80.

**Identities of Public Employees Involved:**

Other agents/employees of the Department of the Agriculture, Food Safety and Inspection Service, supervisory personnel, and possibly other law enforcement officers from other jurisdictions whose identities are presently unknown, also may have contributed to negligence which led to damages to Claimant.

**Evidence Supporting the Claim:**

Ester Nino is enclosing copies of her medical records related to the incident and items of property which were destroyed as a result of the incident. Ester Nino will also be providing the dashcam video of the incident.

**Persons to Contact Regarding the Claim:**

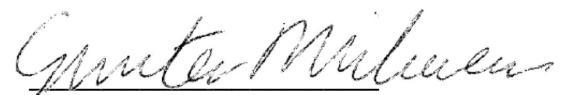
Please contact Claimant's attorney, Gunter Mihaescu, 5032 Woodminster Lane Oakland, CA 94602.

**DEMAND FOR PRESERVATION OF RECORDS:**

DEMAND IS HEREBY MADE TO PRESERVE ALL DISPATCH TAPES, RECORDINGS, VIDEO RECORDINGS, PHOTOGRAPHS, PHYSICAL EVIDENCE, CAD REPORTS AND INFORMATION, INCIDENT REPORTS, STATEMENTS, NOTES, CORRESPONDENCE, MEMORANDA AND ALL DOCUMENTS AND THINGS RELATED TO THIS INCIDENT AND ANY INVESTIGATION THEREOF as material

evidence to Ms. Ester Nino's claim herein and her potential claims under federal and state law, including civil rights claims. You are further required to preserve such recordings pursuant to 42 U.S.C. § 3309. If you have any questions about the recordings, documents, or items at issue, please contact attorney Gunter Mihaescu at 5032 Woodminster Lane Oakland, CA 94602; T. (510) 969-7550, before destroying any tapes, recordings, documents, or items that have been requested or that may relate to the complaint.

Dated: July 24, 2021

By:   
GUNTER MIHAESCU,  
Attorney for Claimant  
ESTER NINO

# EXHIBIT 2



Gunter Mihaescu &lt;gunter@mihaesculaw.com&gt;

## Ester Nino FSIS Claim

5 messages

**Ganotis, Marnie - OGC, San Francisco, CA** <marnie.ganotis@usda.gov>

Wed, Aug 25, 2021 at 9:25 AM

To: "gunter@mihaesculaw.com" <gunter@mihaesculaw.com>

Cc: "Washington, Sonya - FSIS" <sonya.washington@usda.gov>, "Chew, Evelyn - OGC, San Francisco, CA"

<evelyn.chew@usda.gov>

Hi Gunter,

I heard from Sonya Washington that FSIS received your tort claim submission for your client, Ester Nino, on August 20, 2021. FSIS will review the claim and eventually will refer it to my office. Just a heads up that our office is extremely understaffed at this time, and it will likely be a while before you receive a response from us to Ms. Nino's claim.

Thank you,

Marnie



**Marnie G. Ganotis**

Attorney

San Francisco Office • Pacific Region

Office of the General Counsel

U.S. Department of Agriculture

**630 Sansome Street, Suite 1040**

**San Francisco, California 94111**

(415) 744-3852

[marnie.ganotis@usda.gov](mailto:marnie.ganotis@usda.gov)

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**Gunter Mihaescu** <gunter@mihaesculaw.com>

Tue, Mar 22, 2022 at 12:34 PM

To: "Ganotis, Marnie - OGC, San Francisco, CA" <marnie.ganotis@usda.gov>

**Case 2:22-cv-01074-KJM-JDP Document 1 Filed 06/22/22 Page 14 of 34**

Hello Marnie,

I just left you a voicemail on this.

As you can see from the preceding email, Ms. Washington received this tort claim on August 20, 2021. This is a clear liability matter. I'm attaching the police report to refresh your memory. In fact, I'll just re-send you the whole tort claim so you have it handy.

We have yet to receive an offer despite numerous attempts to contact Sonya Washington re same. It's my understanding that since the claim has been timely filed and not acted on, the claimant is free to file suit against the federal government.

I am prepared to do so unless I hear something responsive from your office by the end of the week.

Please advise.

Regards,

Gunter

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Gunter Mihaescu  
Attorney at Law  
5032 Woodminster Lane  
Oakland, CA 94602  
tel: 510-969-7550  
fax: 510-553-1024  
[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)

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[Quoted text hidden]

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**2 attachments**

 **Police Report - Lexis Nexis.pdf**  
679K

 **SF-95, Nino, Ester FTCA Form, Signed.pdf**  
4043K

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**Ganotis, Marnie - OGC, San Francisco, CA** <[marnie.ganotis@usda.gov](mailto:marnie.ganotis@usda.gov)>  
To: Gunter Mihaescu <[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)>

Tue, Mar 22, 2022 at 5:52 PM

Hello Gunter,

I have reached out to Sonya Washington about your inquiry, but she is out of the office for the next few days. Just to keep you apprised, I believe that this claim has not yet been referred to my office. Therefore, we will not be able to have a decision to you by the end of the week.

Kind regards,

Marnie

*Please note that I will be on annual leave from April 1, 2022, through April 11, 2022.*

[Quoted text hidden]

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**Gunter Mihaescu** <gunter@mihaesculaw.com>  
To: "Ganotis, Marnie - OGC, San Francisco, CA" <marnie.ganotis@usda.gov>

Thu, Apr 7, 2022 at 4:14 PM

Hi Marnie,  
Do you have any updates for me on this matter?  
Please let me know.

[Quoted text hidden]

[Quoted text hidden]

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**Ganotis, Marnie - OGC, San Francisco, CA** <marnie.ganotis@usda.gov>  
To: Gunter Mihaescu <gunter@mihaesculaw.com>

Mon, Apr 11, 2022 at 12:14 PM

Hi Gunter,

I do not know anything more about Ms. Nino's claim as yet. I recommend you reach out to Sonya Washington to inquire about its status.  
Her email address is: [sonya.washington@usda.gov](mailto:sonya.washington@usda.gov).

Thank you,

Marnie



Marnie G. Ganotis  
Attorney  
San Francisco Office • Pacific Region  
Office of the General Counsel  
U.S. Department of Agriculture  
**630 Sansome Street, Suite 1040**  
**San Francisco, California 94111**  
☎ (415) 744-3852  
✉ [marnie.ganotis@usda.gov](mailto:marnie.ganotis@usda.gov)

[Quoted text hidden]



Gunter Mihaescu &lt;gunter@mihaesculaw.com&gt;

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**Ester Nino**

21 messages

**Gunter Mihaescu** <gunter@mihaesculaw.com>

To: sonya.washington@usda.gov

Thu, Oct 21, 2021 at 12:33 PM

Hello Ms. Washington,  
I hope this email finds you well.  
Do you have an update on this one? An offer?  
Please let me know.  
Thanks,  
Gunter

---

Gunter Mihaescu  
Attorney at Law  
5032 Woodminster Lane  
Oakland, CA 94602  
tel: 510-969-7550  
fax: 510-553-1024  
[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)

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**Washington, Sonya - FSIS** <sonya.washington@usda.gov>

To: Gunter Mihaescu &lt;gunter@mihaesculaw.com&gt;

Thu, Oct 21, 2021 at 12:51 PM

Good Afternoon,

I hope this email finds you well. I will have to check the files and will reach out to you on tomorrow. Is the phone number in your signature block the best contact number for you?

Sonya Washington

*Sonya Washington*

Property Management Specialist

Administrative Services Division

4700 River Road

3<sup>rd</sup> Floor, 3A-03-56

Riverdale, MD 20737

(301) 344-4756

[Sonya.washington@usda.gov](mailto:Sonya.washington@usda.gov)

---

**From:** Gunter Mihaescu <[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)>  
**Sent:** Thursday, October 21, 2021 3:33 PM  
**To:** Washington, Sonya - FSIS <[sonya.washington@usda.gov](mailto:sonya.washington@usda.gov)>  
**Subject:** [External Email]Ester Nino

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;  
Use caution before clicking links or opening attachments.  
Please send any concerns or suspicious messages to: [Spam.Abuse@usda.gov](mailto:Spam.Abuse@usda.gov)

[Quoted text hidden]

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---

**Gunter Mihaescu** <[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)>  
To: "Washington, Sonya - FSIS" <[sonya.washington@usda.gov](mailto:sonya.washington@usda.gov)>

Thu, Oct 21, 2021 at 12:57 PM

Hello,  
Yes that's the best number.

[Quoted text hidden]  
[Quoted text hidden]

---

**Gunter Mihaescu** <[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)>  
To: "Washington, Sonya - FSIS" <[sonya.washington@usda.gov](mailto:sonya.washington@usda.gov)>

Mon, Oct 25, 2021 at 1:04 PM

Hi Sonya,  
I just left you a voicemail on this one. Please provide an update.  
If you could rule on it one way or another, that would be helpful.  
Thank you,  
Gunter  
[Quoted text hidden]  
[Quoted text hidden]

---

**Washington, Sonya - FSIS** <[sonya.washington@usda.gov](mailto:sonya.washington@usda.gov)>  
To: Gunter Mihaescu <[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)>

Tue, Oct 26, 2021 at 9:57 AM

I hope this email finds you well. I was out of the office however, I am in receipt of your voicemail.

In response to your inquiry, I will have to review the claim to ensure that I have all of the necessary documents in order to send the claim forward to our agency lawyers who review/make the decisions on all of our claims. I hope to have reviewed it by the end of this week and if I need anything additional I will reach out to you. Feel free to contact me or send an email if you have any other questions.

Thank you in advance for your understanding and patience during this process.

[Quoted text hidden]

---

**Gunter Mihaescu** <gunter@mihaesculaw.com>  
To: "Washington, Sonya - FSIS" <sonya.washington@usda.gov>

Mon, Nov 8, 2021 at 2:11 PM

Hi Sonya,  
Following up on this. Please advise.

[Quoted text hidden]

[Quoted text hidden]

---

**Gunter Mihaescu** <gunter@mihaesculaw.com>  
To: "Washington, Sonya - FSIS" <sonya.washington@usda.gov>

Wed, Nov 10, 2021 at 12:29 PM

Hi Sonya,  
Please let me know the status.

[Quoted text hidden]

[Quoted text hidden]

---

**Washington, Sonya - FSIS** <sonya.washington@usda.gov>  
To: Gunter Mihaescu <gunter@mihaesculaw.com>

Fri, Nov 12, 2021 at 12:05 PM

Good Afternoon,

In response to your email below, I see that you have included the cost for the damages to the vehicle. I need to ensure that the insurance company is not going to submit a claim as well requesting reimbursement. Also, you stated on the SF-95 that the insurance company has a claim for the \$5,000 in medical expenses they paid out, I do not recall receiving that claim from them as it will need to be included in with your portion of the claim package. So please confirm the following:

1. Will Amica be submitting a separate claim for the property damages and medical expenses?
2. Did your client (Mr. Nino) pay a deductible? If so, I will need a separate SF-95 from him to request reimbursement for that deductible or a signed authorization from his allowing you to include it in your claim.
3. I will also need proof of ownership of the vehicle. (i.e copy of registration or Title)

Let me know if you have any questions.

Thank you in advance.

[Quoted text hidden]

**Gunter Mihaescu** <gunter@mihaesculaw.com>

To: "Washington, Sonya - FSIS" <sonya.washington@usda.gov>

Case 2:22-cv-01074-KJM-JDP Document 1 Filed 06/22/22 Page 19 of 34

Wed, Nov 17, 2021 at 9:26 AM

Hello Ms. Washington,

There will be no separate claim for the property damage or medical expenses from Amica. The property damage was already resolved. The car was totaled out and Amica paid off the car loan, there was no deductible paid out by my client.

The med pay amount is being requested now by my client. After settlement, I will resolve the med pay reimbursement amount with Amica. Amica cannot double dip and request a reimbursement amount separately from you.

Please confirm this resolves your questions on this matter.

[Quoted text hidden]

[Quoted text hidden]

---

**Gunter Mihaescu** <gunter@mihaesculaw.com>

To: "Washington, Sonya - FSIS" <sonya.washington@usda.gov>

Thu, Dec 2, 2021 at 7:49 AM

Hi Ms. Washington,

I hope you had a nice Thanksgiving holiday.

I just left you a voicemail on this. Please let me know the status. It has been 4 months now since the demand was sent. Kindly provide an offer or a rejection so that we can proceed in litigation.

[Quoted text hidden]

[Quoted text hidden]

---

**Washington, Sonya - FSIS** <sonya.washington@usda.gov>

To: Gunter Mihaescu <gunter@mihaesculaw.com>

Thu, Dec 2, 2021 at 12:09 PM

Good Afternoon,

I hope this email finds you well. My Thanksgiving was nice and quick, thanks. I hope yours was well.

In review of my notes for this claim, I had to gather more documentation so I have this on my "To Do" list and hopefully I will be able to prepare the claim package to send forward to our agency lawyers with the next week. Once I send it forward, I will let you know.

Thank you in advance for your understanding.

[Quoted text hidden]

---

**Gunter Mihaescu** <gunter@mihaesculaw.com>

To: "Washington, Sonya - FSIS" <sonya.washington@usda.gov>

Tue, Dec 14, 2021 at 1:24 PM

Hi Sonya,

What is the status on Ms. Nino's claim?

[Quoted text hidden]

[Quoted text hidden]

---

**Gunter Mihaescu** <gunter@mihaesculaw.com>

To: "Washington, Sonya - FSIS" <sonya.washington@usda.gov>

Tue, Jan 4, 2022 at 12:17 PM

Dear Ms. Washington,

I hope you had a lovely holiday season.

I just left you a voicemail on this one. Could you please provide status on the settlement request?

My client is a sweet lady who has been more than patient during this process.

Sincerely, Case 2:22-cv-01074-KJM-JDP Document 1 Filed 06/22/22 Page 20 of 34  
Gunter

[Quoted text hidden]  
[Quoted text hidden]

---

**Washington, Sonya - FSIS** <sonya.washington@usda.gov>  
To: Gunter Mihaescu <gunter@mihaesculaw.com>

Tue, Jan 4, 2022 at 12:25 PM

Good Afternoon,

Happy New Year to you! I received your voicemail and I sent the attached email to you back in November with a few questions after I reviewed the documents. If you can look at the attached email and respond that would be great!

Thank you in advance.

Sonya Washington

***Sonya Washington***

Property Management Specialist

USDA/FSIS/Office of Management

Administrative Services Division

5601 Sunnyside Avenue

Beltsville, MD 20705

(301) 344-4756

[sonya.washington@usda.gov](mailto:sonya.washington@usda.gov)

[Quoted text hidden]

----- Forwarded message -----

From: "Washington, Sonya - FSIS" <sonya.washington@usda.gov>  
To: Gunter Mihaescu <gunter@mihaesculaw.com>  
Cc:  
Bcc:  
Date: Fri, 12 Nov 2021 20:05:36 +0000  
Subject: RE: [External Email]Ester Nino

Good Afternoon,

In response to your email below, I see that you have included the cost for the damages to the vehicle. I need to ensure that the insurance company is not going to submit a claim as well requesting reimbursement. Also, you stated on the SF-95 that the insurance company has a claim for the \$5,000 in medical expenses they paid out, I do not recall receiving that claim from them as it will need to be included in with your portion of the claim package. So please confirm the following:

**Case 2:22-cv-01074-KJM-JDP Document 1 Filed 06/22/22 Page 21 of 34**

1. Will Amica be submitting a separate claim for the property damages and medical expenses?
2. Did your client (Mr. Nino) pay a deductible? If so, I will need a separate SF-95 from him to request reimbursement for that deductible or a signed authorization from his allowing you to include it in your claim.
3. I will also need proof of ownership of the vehicle. (i.e copy of registration or Title)

Let me know if you have any questions.

Thank you in advance.

Sonya Washington

*Sonya Washington*

Property Management Specialist

USDA/FSIS/Office of Management

Administrative Services Division

4700 River Road

3<sup>rd</sup> Floor, 3A-03-56

Riverdale, MD 20737

(301) 344-4756

[Sonya.washington@usda.gov](mailto:Sonya.washington@usda.gov)

---

**From:** Gunter Mihaescu <[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)>  
**Sent:** Wednesday, November 10, 2021 3:30 PM  
**To:** Washington, Sonya - FSIS <[sonya.washington@usda.gov](mailto:sonya.washington@usda.gov)>  
**Subject:** Re: [External Email]Ester Nino

Hi Sonya,  
Please let me know the status.

Thank you,  
Gunter

---

Gunter Mihaescu

Attorney at Law  
[5032 Woodminster Lane](http://5032 Woodminster Lane)  
Oakland, CA 94602  
tel: 510-969-7550

fax: 510-553-1024  
[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)

---

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On Mon, Nov 8, 2021 at 2:11 PM Gunter Mihaescu <[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)> wrote:

Hi Sonya,  
Following up on this. Please advise.

Gunter

---

Gunter Mihaescu

Attorney at Law  
[5032 Woodminster Lane](http://5032 Woodminster Lane)  
Oakland, CA 94602  
tel: 510-969-7550

fax: 510-553-1024  
[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)

---

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On Tue, Oct 26, 2021 at 9:57 AM Washington, Sonya - FSIS <[sonya.washington@usda.gov](mailto:sonya.washington@usda.gov)> wrote:

Good Morning,

Case 2:22-cv-01074-KJM-JDP Document 1 Filed 06/22/22 Page 23 of 34

In response to your inquiry, I will have to review the claim to ensure that I have all of the necessary documents in order to send the claim forward to our agency lawyers who review/make the decisions on all of our claims. I hope to have reviewed it by the end of this week and if I need anything additional I will reach out to you. Feel free to contact me or send an email if you have any other questions.

Thank you in advance for your understanding and patience during this process.

Sonya Washington

## *Sonya Washington*

Property Management Specialist

USDA/FSIS/Office of Management

Administrative Services Division

4700 River Road

3<sup>rd</sup> Floor, 3A-03-56

Riverdale, MD 20737

(301) 344-4756

[Sonya.washington@usda.gov](mailto:Sonya.washington@usda.gov)

---

**From:** Gunter Mihaescu <[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)>  
**Sent:** Monday, October 25, 2021 4:05 PM  
**To:** Washington, Sonya - FSIS <[sonya.washington@usda.gov](mailto:sonya.washington@usda.gov)>  
**Subject:** Re: [External Email]Ester Nino

Hi Sonya,

I just left you a voicemail on this one. Please provide an update.

If you could rule on it one way or another, that would be helpful.

Thank you,  
Gunter

---

Gunter Mihaescu

Case 2:22-cv-01074-KJM-JDP Document 1 Filed 06/22/22 Page 24 of 34

Attorney at Law  
5032 Woodminster Lane  
Oakland, CA 94602  
tel: 510-969-7550

fax: 510-553-1024  
[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)

---

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On Thu, Oct 21, 2021 at 12:57 PM Gunter Mihaescu <[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)> wrote:

Hello,  
Yes that's the best number.

Thanks,  
Gunter

---

Gunter Mihaescu

Attorney at Law  
5032 Woodminster Lane  
Oakland, CA 94602  
tel: 510-969-7550

fax: 510-553-1024  
[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)

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On Thu, Oct 21, 2021 at 12:51 PM Washington, Sonya - FSIS <[sonya.washington@usda.gov](mailto:sonya.washington@usda.gov)> wrote:

Good Afternoon,

I hope this email finds you well. I will have to check the files and will reach out to you on tomorrow. Is the phone number in your signature block the best contact number for you?

Sonya Washington

## *Sonya Washington*

Property Management Specialist

USDA/FSIS/Office of Management

Administrative Services Division

4700 River Road

3<sup>rd</sup> Floor, 3A-03-56

Riverdale, MD 20737

(301) 344-4756

[sonya.washington@usda.gov](mailto:sonya.washington@usda.gov)

---

**From:** Gunter Mihaescu <[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)>  
**Sent:** Thursday, October 21, 2021 3:33 PM  
**To:** Washington, Sonya - FSIS <[sonya.washington@usda.gov](mailto:sonya.washington@usda.gov)>  
**Subject:** [External Email]Ester Nino

[External Email]

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Please send any concerns or suspicious messages to: [Spam.Abuse@usda.gov](mailto:Spam.Abuse@usda.gov)

Hello Ms. Washington,  
I hope this email finds you well.  
Do you have an update on this one? An offer?

Please let me know.  
Thanks,  
Gunter

-----  
Gunter Mihaescu

Case 2:22-cv-01074-KJM-JDP Document 1 Filed 06/22/22 Page 26 of 34

Attorneys at Law

5032 Woodminster Lane

Oakland, CA 94602

tel: 510-969-7550

fax: 510-553-1024

[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)

---

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 RE: [External Email]Ester Nino.eml

58K

---

**Gunter Mihaescu** <[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)>  
To: "Washington, Sonya - FSIS" <[sonya.washington@usda.gov](mailto:sonya.washington@usda.gov)>

Tue, Jan 4, 2022 at 12:33 PM

Ms. Washington,

I replied to your email back in November and you indicated that you were still awaiting some things from your end to do, so I thought the questions in your November email were resolved. Here is my response to your email in November:

Hello Ms. Washington,

There will be no separate claim for the property damage or medical expenses from Amica. The property damage was already resolved. The car was totaled out and Amica paid off the car loan, there was no deductible paid out by my client.

The med pay amount is being requested now by my client. After settlement, I will resolve the med pay reimbursement amount with Amica. Amica cannot double dip and request a reimbursement amount separately from you.

Please confirm this resolves your questions on this matter.

[Quoted text hidden]

[Quoted text hidden]

---

**Gunter Mihaescu** <[gunter@mihaesculaw.com](mailto:gunter@mihaesculaw.com)>  
To: "Washington, Sonya - FSIS" <[sonya.washington@usda.gov](mailto:sonya.washington@usda.gov)>

Fri, Jan 21, 2022 at 1:36 PM

**Case 2:22-cv-01074-KJM-JDP Document 1 Filed 06/22/22 Page 27 of 34**

Hi Sonya, I just left you a voicemail. Please contact me on this claim at your earliest convenience.

The last time we spoke you mentioned that you have many property damage claims on your hands at the moment. The property damage in this claim has been settled. Please proceed with your determination on the bodily injury and damages portion. Or if you would like to deny the claim, we can go ahead and file suit as well.

[Quoted text hidden]

[Quoted text hidden]

---

**Washington, Sonya - FSIS** <sonya.washington@usda.gov>  
To: Gunter Mihaescu <gunter@mihaesculaw.com>

Mon, Jan 24, 2022 at 9:06 AM

Good Morning Mr. Gunter,

I hope this email finds you well. I spoke with the subrogation department at Amica Mutual Insurance regarding their portion of the claim therefore, until I get their demand I have placed this claim in my pending file. In order for me to send this claim forward to our agency lawyers for review, I must have all supporting documents for the claim. Once I receive their portion, I will review the claim and send it forward providing that I have all of the supporting documentation. I truly understand the importance of getting this matter resolved and I will provide you with any updates. Feel free to reach out to me if you have any questions.

Thank you in advance for your patience during this process.

Sonya Washington

## ***Sonya Washington***

Property Management Specialist

USDA/FSIS/Office of Management

Administrative Services Division

5601 Sunnyside Avenue

[Quoted text hidden]

---

**Gunter Mihaescu** <gunter@mihaesculaw.com>  
To: "Washington, Sonya - FSIS" <sonya.washington@usda.gov>

Mon, Jan 24, 2022 at 10:09 AM

Here is their subrogation amount attached. You do not need to deal with them directly. It is not a statutory lien like Medicare, Medicaid, Erisa, or Medi-Cal in California. They have paid \$5,000 in medical payments in this matter. There is no double recovery. The \$5,000 they have paid out has gone to the medical providers in this case.

[Quoted text hidden]

[Quoted text hidden]

---

 **Amica Med Pay Ltr June 2021.pdf**  
684K

---

**Gunter Mihaescu** <gunter@mihaesculaw.com>  
To: "Washington, Sonya - FSIS" <sonya.washington@usda.gov>

Wed, Feb 2, 2022 at 3:43 PM

Dear Ms. Washington,

Case 2:22-cv-01074-KJM-JDP Document 1 Filed 06/22/22 Page 28 of 34  
What is going on with this claim? Please escalate to your litigation team so that we can get it resolved and off everyone's plate.

Also, I would like to ask again, because it sounded like you were handling the property damage claim on this. The property damage in this claim has been settled. Please proceed with your determination on the bodily injury and damages portion. Or if you would like to deny the claim, please do so, so that we may move forward in litigation. Please let me know so that we can make some progress here. The client is understandably frustrated and contacts me almost daily looking for an update. The demand was sent back in August, that is now a half year ago.

Please advise on status.

[Quoted text hidden]

[Quoted text hidden]

---

**Gunter Mihaescu** <gunter@mihaesculaw.com>  
To: "Washington, Sonya - FSIS" <sonya.washington@usda.gov>

Tue, Feb 15, 2022 at 12:38 PM

Sonya,  
Please reply, what is the status.

[Quoted text hidden]

[Quoted text hidden]

---

**Gunter Mihaescu** <gunter@mihaesculaw.com>  
To: "Washington, Sonya - FSIS" <sonya.washington@usda.gov>

Mon, Mar 7, 2022 at 12:29 PM

Sonya,  
Status, please.

[Quoted text hidden]

[Quoted text hidden]

# EXHIBIT 3

SPECIAL CONDITIONS				NUMBER INJURED <b>0</b>	HIT & RUN FELONY	CITY <b>VALLEJO</b>			JUDICIAL DISTRICT <b>SOLANO-SUPERIOR</b>	LOCAL REPORT NUMBER <b>20-7737</b>	
				NUMBER KILLED <b>0</b>	HIT & RUN MISD. <input type="checkbox"/>	COUNTY <b>SOLANO</b>	REPORTING DISTRICT <b>VALLEJO PD</b>	BEAT <b>4</b>	DAY OF WEEK <b>Sunday</b>	TOW AWAY <input type="checkbox"/>	
L O C A T I O N	COLLISION OCCURRED ON <b>BENICIA RD</b>						MO. DAY YEAR <b>07/12/2020</b>	TIME (2400) <b>1152</b>	NCIC # <b>4807</b>	OFFICER I.D. <b>#728</b>	
	MILEPOST INFORMATION <b>FEET</b> OF						GPS COORDINATES LATITUDE <b>38.097081</b>	LONGITUDE <b>-122.240676</b>	PHOTOGRAPHS BY <input type="checkbox"/> NONE <b>728</b>		
	AT INTERSECTION WITH <b>X OR 204 FEET WEST OF RYDER ST</b>						STATE HWY REL <input type="checkbox"/>				
PARTY 1	DRIVER'S LICENSE NUMBER <b>F4864347</b>		STATE <b>CA</b>	CLASS <b>C</b>	AIR BAG <b>M</b>	SAFETY EQUIP. <b>C</b>	VEH. YEAR <b>2017</b>	MAKE / MODEL / COLOR <b>FORD FUSION</b>	LICENSE NUMBER <b>G130421U</b>	STATE	
DRIVER	NAME (FIRST, MIDDLE, LAST) <b>X HASSAN SIDDIQUI</b>										
PEDESTRIAN	STREET ADDRESS <b>164 ROBLES WY</b>										
PARKED VEHICLE	CITY / STATE / ZIP <b>VALLEJO / CA / 94590</b>										
BICY-CLIST	SEX <b>M</b>	HAIR <b>BLK</b>	EYES <b>BRO</b>	HEIGHT <b>510</b>	WEIGHT <b>180</b>	BIRTH DATE	RACE <b>O</b>	PRIOR MECHANICAL DEFECTS: <input checked="" type="checkbox"/> NONE APPARENT <input type="checkbox"/> REFER TO NARRATIVE			
OTHER	HOME PHONE <b>( ) -</b>			BUSINESS PHONE <b>(707) 730-7082</b>							
	INSURANCE CARRIER <b>AAA</b> POLICY NUMBER <b>CAAS210272315</b>						VEHICLE IDENTIFICATION NUMBER: <b>FADP3F20JL288562</b>			SHADE IN DAMAGE AREA	
	DIR OF TRAVEL <b>WEST</b>	ON STREET OR HIGHWAY <b>BENICIA RD</b>			SPEED LIMIT <b>35</b>	VEHICLE TYPE <b>01</b>	DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK. <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MOD. <input checked="" type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER				
PARTY 2	DRIVER'S LICENSE NUMBER <b>A5115273</b>		STATE <b>CA</b>	CLASS <b>C</b>	AIR BAG <b>M</b>	SAFETY EQUIP. <b>C</b>	VEH. YEAR <b>2015</b>	MAKE / MODEL / COLOR <b>MITSUBISHI OUTLANDER</b>	LICENSE NUMBER <b>8RPy503</b>	STATE <b>CA</b>	
DRIVER	NAME (FIRST, MIDDLE, LAST) <b>X NINO ESTER</b>										
PEDESTRIAN	STREET ADDRESS <b>405 BENICIA RD</b>										
PARKED VEHICLE	CITY / STATE / ZIP <b>VALLEJO / CA / 94590</b>										
BICY-CLIST	SEX <b>F</b>	HAIR <b>BLK</b>	EYES <b>BRO</b>	HEIGHT <b>502</b>	WEIGHT <b>133</b>	BIRTH DATE	RACE <b>A</b>	PRIOR MECHANICAL DEFECTS: <input checked="" type="checkbox"/> NONE APPARENT <input type="checkbox"/> REFER TO NARRATIVE			
OTHER	HOME PHONE <b>( ) -</b>			BUSINESS PHONE <b>(707) 342-8118</b>							
	INSURANCE CARRIER <b>AMICA</b> POLICY NUMBER <b>91020424LY</b>						VEHICLE IDENTIFICATION NUMBER: <b>4A4AP3AU6FE009762</b>			SHADE IN DAMAGE AREA	
	DIR OF TRAVEL <b>WEST</b>	ON STREET OR HIGHWAY <b>BENICIA RD</b>			SPEED LIMIT <b>35</b>	VEHICLE TYPE <b>07</b>	DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK. <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MOD. <input checked="" type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER				
PARTY 3	DRIVER'S LICENSE NUMBER		STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH. YEAR <b>2010</b>	MAKE / MODEL / COLOR <b>TOYOTA COROLLA RED</b>	LICENSE NUMBER <b>8KSE649</b>	STATE <b>CA</b>	
DRIVER	NAME (FIRST, MIDDLE, LAST)										
PEDESTRIAN	STREET ADDRESS										
PARKED VEHICLE	CITY / STATE / ZIP <b>/ /</b>										
BICY-CLIST	SEX <b>X</b>	HAIR	EYES	HEIGHT	WEIGHT	BIRTH DATE	RACE	PRIOR MECHANICAL DEFECTS: <input checked="" type="checkbox"/> NONE APPARENT <input type="checkbox"/> REFER TO NARRATIVE			
OTHER	HOME PHONE <b>(707) 712-2261</b>			BUSINESS PHONE <b>( ) -</b>							
	INSURANCE CARRIER <b>ANCHOR GENERAL</b> POLICY NUMBER <b>9817348</b>						VEHICLE IDENTIFICATION NUMBER: <b>1NXBU4EE1AZ225929</b>			SHADE IN DAMAGE AREA	
	DIR OF TRAVEL	ON STREET OR HIGHWAY			SPEED LIMIT	VEHICLE TYPE <b>01</b>	DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK. <input type="checkbox"/> NONE <input checked="" type="checkbox"/> MINOR <input type="checkbox"/> MOD. <input type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER				
PREPARER'S NAME <b>C. Sullivan, #728</b>				DISPATCH NOTIFIED <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			REVIEWER'S NAME <b>S. Bower, #552</b>			DATE REVIEWED <b>08/04/2020</b>	

DATE OF COLLISION (MO. DAY. YEAR)	TIME (2400)	NCIC #	OFFICER I.D.	NUMBER						
07/12/2020	1152	4807	#728	20-7737						
PROPERTY DAMAGE	OWNER'S NAME	OWNER'S ADDRESS	NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO							
	DESCRIPTION OF DAMAGE									
<b>SEATING POSITION</b>  	<b>SAFETY EQUIPMENT</b>  <b>OCCUPANTS</b> A - NONE IN VEHICLE B - UNKNOWN C - LAP BELT USED D - LAP BELT NOT USED E - SHOULDER HARNESS USED F - SHOULDER HARNESS NOT USE G - LAP/SHOULDER HARNESS USE H - LAP/SHOULDER HARNESS NOT USE J - PASSIVE RESTRAINT USED K - PASSIVE RESTRAINT NOY USE P - NOT REQUIRED  <b>CHILD RESTRAINT</b> Q - IN VEHICLE USED R - IN VEHICLE NOT USED S - IN VEHICLE USE UNKNOWN T - IN VEHICLE IMPROPER USE U - NONE IN VEHICLE  <b>M/C BICYCLE HELMET</b> DRIVER PASSENGER  <b>AIR BAG</b> B - UNKNOWN L - AIR BAG DEPLOYED M - AIR BAG NOT DEPLOYED N - OTHER P - NOT REQUIRED  <b>EJECTED FROM VEHICLE</b> 0 - NOT EJECTED 1 - FULLY EJECTED 2 - PARTIALLY EJECTED 3 - UNKNOWN	<b>AIR BAG</b> B - UNKNOWN L - AIR BAG DEPLOYED M - AIR BAG NOT DEPLOYED N - OTHER P - NOT REQUIRED  <b>EJECTED FROM VEHICLE</b> 0 - NOT EJECTED 1 - FULLY EJECTED 2 - PARTIALLY EJECTED 3 - UNKNOWN	<b>INATTENTION CODES</b> A - CELLPHONE HANDHELD B - CELLPHONE HANDSFREE C - ELECTRONIC EQUIPMENT D - RADIO / CD E - SMOKING F - EATING G - CHILDREN H - ANIMALS I - PERSONAL HYGIENE J - READING K - OTHER							
<b>ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE</b>										
<b>PRIMARY COLLISION FACTOR</b> <b>LIST NUMBER (#) OF PARTY AT FAUL</b>	<b>TRAFFIC CONTROL DEVICES</b>	1	2	3	<b>SPECIAL INFORMATION</b>	1	2	3	<b>MOVEMENT PRECEDING COLLISION</b>	
1 A 22107 VC SECTION VIOLATED Cited NO	A CONTROLS FUNCTIONING B CONTROLS NOT FUNCTIONING* C CONTROLS OBSCURED D NO CONTROLS PRESENT/FACTOR*				A HAZARDOUS MATERIAL B CELL PHONE HANDHELD IN USE C CELL PHONE HANDSFREE IN USE D CELL PHONE NOT IN USE E SCHOOL BUS RELATED F 75 FT MOTORTRUCK COMBO G 32 FT TRAILER COMBO				A STOPPED B PROCEEDING STRAIGHT C RAN OFF ROAD D MAKING RIGHT TURN E MAKING LEFT TURN F MAKING U TURN G BACKING H SLOWING / STOPPING I PASSING OTHER VEHICLE J CHANGING LANES K PARKING MANEUVER L ENTERING TRAFFIC M OTHER UNSAFE TURNING N XING INTO OPPOSING LANE O PARKED P MERGING Q TRAVELING WRONG WAY R OTHER*:	
B OTHER IMPROPER DRIVING:*										
C OTHER THAN DRIVER*										
D UNKNOWN*										
<b>WEATHER (MARK 1 TO 2 ITEMS)</b>	A CLEAR B CLOUDY C RAINING D SNOWING E FOG / VISIBILITY .FT F OTHER*: FT G WIND									
<b>LIGHTING</b>	A NON - COLLISION B PEDESTRIAN C OTHER MOTOR VEHICLE D MOTOR VEHICLE ON OTHER ROADWAY E PARKED MOTOR VEHICLE F TRAIN G BICYCLE H ANIMAL: I FIXED OBJECT : J OTHER OBJECT:	1	2	3	OTHER ASSOCIATED FACTOR(S) (MARK 1 TO 2 ITEMS)	A VC SECTION VIOLATION B VC SECTION VIOLATION C VC SECTION VIOLATION D CITED E CITED F CITED G CITED H CITED I CITED J CITED	1	2	3	<b>SOBRIETY - DRUG PHYSICAL</b> A HAD NOT BEEN DRINKING B HBD - UNDER INFLUENCE C HBD - NOT UNDER INFLUENCE.* D HBD - IMPAIRMENT UNKNOWN.* E UNDER DRUG INFLUENCE*
E DARK - STREET LIGHTS NOT FUNCTIONING*										
<b>ROADWAY SURFACE</b>	A DRY B WET C SNOWY - ICY D SLIPPERY (MUDGY, OILY, ETC.)									
<b>ROADWAY CONDITIONS (MARK 1 TO 2 ITEMS)</b>	A HOLES, DEEP RUTS B LOOSE MATERIAL ON ROADWAY* C OBSTRUCTION ON ROADWAY* D CONSTRUCTION-REPAIR ZONE E REDUCED ROADWAY WIDTH F FLOODED* G OTHER:*									
H NO UNUSUAL CONDITIONS	A NO PEDESTRIANS INVOLVED B CROSSING IN CROSSWALK AT INTERSECTION C CROSSING IN CROSSWALK - NOT AT INTERSECTION D CROSSING - NOT IN CROSSWALK E IN ROAD - INCLUDES SHOULDER F NOT IN ROAD G APPROACHING / LEAVING SCHOOL BUS				I PREVIOUS COLLISION J UNFAMILIAR WITH ROAD K DEFECTIVE VEH. EQUIP. L UNINVOLVED VEHICLE M OTHER*: N NONE APPARENT O RUNAWAY VEHICLE	CITED □	XXX		H NOT APPLICABLE I SLEEPY / FATIGUED*	
Miscellaneous										
<p><input checked="" type="checkbox"/> "See Attached Sketch"</p> <p><input type="checkbox"/> "See Attached factual diagram"</p>										

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07/12/2020	1152	4807	#728	20-7737

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED



PREPARED BY C. Sullivan, #728	ID NUMBER #728	MO DAY YEAR 07/12/2020	REVIEWERS NAME S. Bower, #552	MO DAY YEAR 08/04/2020
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Notification:

On 07/10/2020 at about 1152 hours, I was dispatched to the report of a non-injury collision at 101 Benicia Rd.

All speeds are approximate and distances were estimated via Google maps.

Parties:

Party #1, (P-1) Hassan Siddiqui, identified via CA DL as the driver of V-1.

Vehicle #1, (V-1, a black Ford Focus, US Government plate G130421U). V-1 had major damage to the front end and the front left wheel was bent.

Party #2, (P-2), Nino Ester, identified via CA DL as the driver of V-2.

Vehicle #2, (V-2, a light blue, Mitsubishi Outlander, CA License plate 8R PY503). V-2 had major front end damage and the front right wheel was flat. .

Mentioned #1 (M-1), Eva Juarez Solares, identified via US permanent resident card as the owner of V-3. M-1 did not witness the collision.

Vehicle #3 (V-3, a red 2010 Toyota Corolla, CA License plate 8KSE649). V-3 was parked in the employee parking lot of 101 Benicia Rd. V-3 had minor rear end damage.

Summary:

P-1 SIDDIQUI told me the following in summary:

V-1 was parked on Benicia Rd facing westbound. P-1 started his vehicle and pulled into traffic in order to travel westbound on Benicia Rd. V-2 then sideswiped V-1. P-1 stated he signaled before entering traffic. P-1 stated he did not look over his shoulder but checked his driver-side mirror before entering traffic. P-1 stated V-2 came "out of nowhere". P-1 requested a report be taken due to V-1 being a government vehicle.

P-2 ESTER told me the following in summary:

V-2 was driving westbound on Benicia Rd. Shortly after passing Ryder St, V-1 abruptly. V-1 abruptly entered traffic. P-2 applied the brakes and sideswiped V-1. P-2 swerved to the left while applying the brakes. V-2 collided head-on with V-3, which was parked in the employee parking lot. V-2 then came to a stop.

P-2 showed me dash-cam video of the collision. In the video, I could see V-1 did not signal before entering traffic. V-1 enters traffic abruptly and V-2 collided with V-1. It appeared as though the collision was unavoidable due to V-1 abruptly entering the roadway. I booked the video into evidence.com as item 728-3.

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C. Sullivan, #728	#728	07/12/2020	S. Bower, #552	08/04/2020

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AOI:

The AOIs were determined based upon the statements and physical evidence on scene. AOI -1 is 7 feet south of the north curb-line of Benicia Rd and 204 west of the south curb-line prolongation of Ryder St.

AOI-2 is 10 feet south of the south curb-line of Benicia Rd and 230 feet west of the south curb-line prolongation of Ryder St.

Cause:

P-1 caused this collision by violating 22107 CVC which states:

No person shall turn a vehicle from a direct course or move right or left upon a roadway until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided in this chapter in the event any other vehicle may be affected by the movement.

Nothing Further

Officer C. Sullivan #728

PREPARED BY C. Sullivan, #728	ID NUMBER #728	MO DAY YEAR 07/12/2020	REVIEWERS NAME S. Bower, #552	MO DAY YEAR 08/04/2020
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